UNITED STATES PATENT AND TRADEMARK OFFICE   ᴍ ɴ

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,772	02/25/2004	Ross Bunker	BEAS-01437US1	2871

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ART UNIT	PAPER NUMBER
2167	

MAIL DATE	DELIVERY MODE
07/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/786,772	BUNKER ET AL.
	Examiner	Art Unit	
	Michael D. Pham	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 April 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>4/25/07, 4/26/07, and 6/1/07</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20070705

Detailed Action

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 4/25/2007 has been entered.

Status of claims

2.   Claims 1-21 are pending.

3.   Claims 1-21 have been examined.

Claim Objections

4. Prior objections to 1, 8, 15, and 22 are respectfully withdrawn. However, in future responses

when making amendments or referring to specifications please specify where elements are

supported in specifications when possible.

Claim Rejections - 35 USC § 112

5. Prior rejections under 112 second paragraph are respectfully withdrawn.

Claim Rejections - 35 USC § 101

6.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7.   Claims 1-7 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims recite a computer-based application framework, which is essentially computer-implemented code. There is no memory and processor to execute the computer-based application framework.

The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

From MPEP 2106.01:

> Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994)

Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-

readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See

Diehr, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were

unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection

with the programming of a general purpose computer.").

8. Prior rejections under 35 U.S.C. 101 towards claims 22-28 are respectfully withdrawn.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

10.   Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent

6920607 by Ali et. al. (hereafter Ali) further in view of U.S. Patent 6874143 by Murray et. al.

(hereafter Murray).

Claim 1:

Ali discloses the following claimed limitations:

"a user interface;" [abstract, UI]

"a plurality of services;" [abstract, secondary data files]

"a plurality of extensions to extend an application;"[abstract, the UI is dynamically generated (extends application) when an application (application) invokes XML data files (plurality of extensions).]

"wherein each one of the plurality of services is associated with an extension in the plurality of extensions;" [abstract, XML data files (extensions) also have reference links (associated) to secondary data files (services) that contain data further defining the UI.]

"wherein one of the plurality of extensions can expose" [col. 12 lines 34-34-38, independent xml (one of plurality of extensions) data can be exposed (expose)through Windows Management Instrumentation WMI] ";

"wherein one of the plurality of extensions can provide access to functionality accessible in the user interface; and" [col. 10 lines 36-40, when the application is again executed on processor, the browser processes the xml (extension) data with the xsl template at the XSL processor to render a new DHTML mouse control panel UI document 438 on display (provide access to functionality on user interface).]

"wherein one of the plurality of services can provide access to functionality in one of the plurality of extensions."[abstract, XML data files also have (in one of plurality of extensions) reference links to secondary data files (one of plurality of services) that contain data further defining the UI (provides access to functionality).]

However, Ali does not explicitly disclose extensions can "consume services associated with another extension in the plurality of extensions".

On the other hand, Murray discloses col. 22 lines 45-46, that an EDFHub receives all of

the EDFs (extension definition files) and merges them together and exposes them as a single list.

That col. 6 lines 64-67, an EDF can be an XML file. That col. 6 lines 10-15, that an extension

provides some type of functionality (service) that the application program may not have had

before the extension was incorporated.

Hence Murray discloses that one of the plurality of extensions can "consume services

associated with another extension in the plurality of extensions" (EDFs are merged together;

hence services of other extensions must be merged together.)

Both Ali and Murray discloses that extensions may be used for User Interfaces. Hence

both Ali and Murray are within the same field of endeavor. It would have been obvious to a

person of an ordinary skill in the art at the time the invention was made to apply Murray's

disclosure that EDFs can be merged together to the system of Ali in order to improve Ali's UI

extensibility by managing extensions such that a user can specify in their preferences particular

extensions that they desire to be loaded when they are online (col. 23 lines 6-8).

Claim 2:

Ali discloses:

"one of the plurality extension can utilize one of the at least one services." [Abstract, The

UI is dynamically generated when an application invokes the XML data files]

Claim 3:

Ali discloses:

"an extension is an interchangeable application building block." [col. 5 lines 65-66, user

interfaces that are extensible, easy to redesign, and to update].

Claim 4:

Ali discloses:

"an extension can include at least one of: 1) XML (Extensible Markup Language)

description; 2) a set of classes; and 3) a set of resources." [abstract, XML]

Claim 5:

Ali discloses:

"a service can include a public interface that can provide access to functionality in an

extension." [Abstract, XML data files also have reference links to secondary data files that

contain data that further define the UI. The UI is dynamically generated when an application

invokes the XML data files]

Claim 6:

Alli discloses:

"an extension can define handlers." [col. 13 lines 60-65, contains an attribute id].

Claim 7:

Ali discloses:

"an extension can provide functionality to support at least one of: 1) a document type; 2)

a user interface action; 3) a file encoding; 4) property settings; and 5) debugging information."

[Abstract, XML data files have reference links to secondary data files that contain data further

defining UI (user interface) to support the user interface action].

Claim 8:

Ali discloses the following claimed limitations:

"providing a user interface to allow user interaction with the application;" [abstract, UI]

"providing a plurality of extensions to extend the application" ;"[abstract, the UI is

dynamically generated (extends application) when an application (application) invokes XML

data files (plurality of extensions).]

", wherein the providing permits one of the plurality of extensions to provide

functionality accessible in the user interface; and" [col. 10 lines 36-40, when the application is

again executed on processor, the browser processes the xml (extension) data with the xsl

template at the XSL processor to render a new DHTML mouse control panel UI document 438

on display (provide access to functionality on user interface).]

"providing a plurality of services" [abstract, secondary data files]

"wherein the providing permits one of the plurality of services to provide access to

functionality in one of the plurality of extensions;" [Abstract, XML data files also have reference

links to secondary data files that contain data that further define the UI. The UI is dynamically

generated when an application invokes the XML data files.].

"wherein each one of the plurality of services is associated with an extension in the

plurality of extensions; and" [abstract, XML data files (extensions) also have reference links

(associated) to secondary data files (services) that contain data further defining the UI.]

"wherein one of the plurality of extensions can expose" [col. 12 lines 34-34-38,

independent xml (one of plurality of extensions) data can be exposed (expose)through Windows

Management Instrumentation WMI]

However, Ali does not explicitly disclose extensions can "consume services associated with another extension in the plurality of extensions.".

On the other hand, Murray discloses col. 22 lines 45-46, that an EDFHub receives all of the EDFs (extension definition files) and merges them together and exposes them as a single list. That col. 6 lines 64-67, an EDF can be an XML file. That col. 6 lines 10-15, that an extension provides some type of functionality (service) that the application program may not have had before the extension was incorporated.

Hence Murray discloses that one of the plurality of extensions can "consume services associated with another extension in the plurality of extensions" (EDFs are merged together; hence services of other extensions must be merged together.)

Both Ali and Murray discloses that extensions may be used for User Interfaces. Hence both Ali and Murray are within the same field of endeavor. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Murray's disclosure that EDFs can be merged together to the system of Ali in order to improve Ali's UI extensibility by managing extensions such that a user can specify in their preferences particular extensions that they desire to be loaded when they are online (col. 23 lines 6-8).

Claim 9:

Ali discloses:

"one of the plurality extensions can utilize one of the plurality of services." [Abstract,

The UI is dynamically generated when an application invokes the XML data files]

Claim 10:

Ali discloses:

"an extension is an interchangeable application building block." [col. 5 lines 65-66, user

interfaces that are extensible, easy to redesign, and to update].

Claim 11:

Ali discloses:

"an extension can include at least one of: 1) XML (Extensible Markup Language) description; 2)

a set of classes; and 3) a set of resources." [abstract, XML]

Claim 12:

Ali discloses:

"a service can include a public interface that can provide access to functionality in an

extension." [Abstract, XML data files also have reference links to secondary data files that

contain data that further define the UI. The UI is dynamically generated when an application

invokes the XML data files]

Claim 13:

Alli discloses:

"an extension can define handlers." [col. 13 lines 60-65, contains an attribute id].

Claim 14:

Ali discloses:

"an extension can provide functionality to support at least one of: 1) a document type; 2) a user interface action; 3) a file encoding; 4) property settings; and 5) debugging information." [Abstract, XML data files have reference links to secondary data files that contain data further defining UI (user interface) to support the user interface action].

Claim 15:

Ali discloses the following claimed limitations:

"provide a user interface to allow user interaction with an application;" [abstract, UI]

"provide a plurality of extensions to extend the application," [abstract, the UI is dynamically generated (extends application) when an application (application) invokes XML data files (plurality of extensions).]

"wherein the providing permits one of the plurality of extensions to provide access to functionality accessible in the user interface; and" [col. 10 lines 36-40, when the application is again executed on processor, the browser processes the xml (extension) data with the xsl template at the XSL processor to render a new DHTML mouse control panel UI document 438 on display (provide access to functionality on user interface).]

"provide a plurality of service" [abstract, secondary data files]

"wherein the providing permits one of the plurality of services to provide access to functionality in one of the plurality of extensions;" [Abstract, XML data files also have reference links to secondary data files that contain data that further define the UI. The UI is dynamically generated when an application invokes the XML data files.].

"wherein each one of the plurality of services is associated with an extension in the plurality of extensions; and" [abstract, XML data files (extensions) also have reference links (associated) to secondary data files (services) that contain data further defining the UI.]

"wherein one of the plurality of extensions can expose" [col. 12 lines 34-34-38, independent xml (one of plurality of extensions) data can be exposed (expose)through Windows Management Instrumentation WMI]

However, Ali does not explicitly disclose extensions can "consume services associated with another extension in the plurality of extensions.".

On the other hand, Murray discloses col. 22 lines 45-46, that an EDFHub receives all of the EDFs (extension definition files) and merges them together and exposes them as a single list. That col. 6 lines 64-67, an EDF can be an XML file. That col. 6 lines 10-15, that an extension provides some type of functionality (service) that the application program may not have had before the extension was incorporated.

Hence Murray discloses that one of the plurality of extensions can "consume services associated with another extension in the plurality of extensions" (EDFs are merged together; hence services of other extensions must be merged together.)

Both Ali and Murray discloses that extensions may be used for User Interfaces. Hence both Ali and Murray are within the same field of endeavor. It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Murray's disclosure that EDFs can be merged together to the system of Ali in order to improve Ali's UI extensibility by managing extensions such that a user can specify in their preferences particular extensions that they desire to be loaded when they are online (col. 23 lines 6-8).

Claim 16:

Ali discloses:

"one of the plurality extensions can utilize one of the plurality of services." [Abstract, The UI is dynamically generated when an application invokes the XML data files]

Claim 17:

Ali discloses:

"an extension is an interchangeable application building block." [col. 5 lines 65-66, user interfaces that are extensible, easy to redesign, and to update].

Claim 18:

Ali discloses:

"an extension can include at least one of: 1) XML (Extensible Markup Language) description; 2)

a set of classes; and 3) a set of resources." [abstract, XML]

Claim 19:

Ali discloses:

"a service can include a public interface that can provide access to functionality in an extension."

[Abstract, XML data files also have reference links to secondary data files that contain data that

further define the UI. The UI is dynamically generated when an application invokes the XML

data files]

Claim 20:

Alli discloses:

"an extension can define handlers." [col. 13 lines 60-65, contains an attribute id].

Claim 21:

Ali discloses:

"an extension can provide functionality to support at least one of: 1) a document type; 2) a user

interface action; 3) a file encoding; 4) property settings; and 5) debugging information."

[Abstract, XML data files have reference links to secondary data files that contain data further

defining UI (user interface) to support the user interface action].

Response to Arguments

11.   Applicant's arguments with respect to claims 1-28 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

12.   The prior art made of record listed on PTO-892 and not relied, if any, upon is considered

pertinent to applicant's disclosure.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael D. Pham whose telephone number is (571)272-3924.

The examiner can normally be reached on Monday - Friday 9am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.
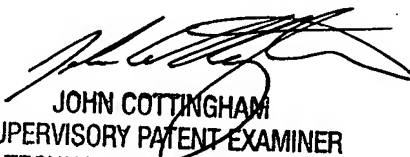
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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Pham   Cam Y. Truong
Art Unit 2167   Art Unit 2162
Examiner   Primary Examiner

John Cottingham
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